



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

Post Office Box 12267
COLUMBIA 29211

March 27, 2007

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Mr. Speaker and Members of the House:

I am hereby returning without my approval H. 3357, R-14. This veto is based upon my belief that H. 3357, R-14 is unconstitutional.

This bill allows each member of the Marlboro County Transportation Committee to be paid from Marlboro County "C" Fund revenues seventy-five dollars for each meeting the member is in attendance. The state Constitution clearly prohibits the enactment of special legislation where a "general law can be made applicable." S.C. Const. Art. III, Section 34 (IX). The General Assembly has established a general statute that prohibits county transportation committees from using "C" funds to pay per diems as administrative expenses. *See* S.C. Code § 12-28-2740(B), as amended. It is unconstitutional for the General Assembly to pass special legislation, like H. 3357, R-14, in contravention of general law. Each county's transportation committee should be subject to the same general law either allowing or disallowing per diems. Legislation like H. 3357, R-14, demonstrates the policy basis for Article III, Section 34's directive that special legislation be avoided in all cases where general legislation can be enacted.

Additionally, H. 3357, R-14, affects only Marlboro County and is, therefore, clearly an act for a specific county. Such acts are in violation of Article VIII, Section 7 of the Constitution of the State of South Carolina, which provides that "[n]o laws for a specific county shall be enacted."

In summary, I believe the specific nature of H. 3357, R-14, renders this Act unconstitutional. For this reason, I am returning H. 3357, R-14, to you without my signature.

Sincerely,

A handwritten signature in dark ink, appearing to be "MS", written over a horizontal line.

Mark Sanford